



Subcommittee on Crime, Corrections, and Victims' Rights

TEN YEARS OF EXTRAORDINARY PROGRESS: THE VIOLENCE AGAINST WOMEN ACT

**A REPORT BY SENATOR JOSEPH R. BIDEN, JR.
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Introduction

The ink is dry. The statute is published in code books and taught in law schools across the country. After more than five years of hearings, and legislative drafts and redrafts, in September 1994, the Congress passed and President Clinton signed into law the Violence Against Women Act. Since then, we've witnessed an incredible transformation in state and federal criminal and civil law enforcement, communities' victim services, and societal attitudes towards domestic violence and sexual assault.

With the passage of the Violence Against Women Act we started talking about that dirty little secret that no one wanted to say out loud. Abused women have become safer. A rape victim or battered wife can now turn to a trained police officer, an emergency room nurse, or a 1-800 telephone operator. We transformed private "family matters" into public crimes with true accountability and meaningful victim services.

This report will summarize the Violence Against Women Act's pathway from ideas to draft legislation to the 1994 law and 2000 renewal. It will also highlight the tremendous progress made by communities taking the Violence Against Women Act's laws and programs and turning them into real action, change, and support for families wracked by domestic violence and sexual assault. These programs range from policies to encourage the arrest and prosecution of abusers, to victims' services like shelters, to education that can prevent violence against women from happening in the first place. Since fiscal year 1995 to date, nearly **\$3.8 billion dollars** have been appropriated for the programs created by the Violence Against Women Act. In Delaware alone, the Office on Violence Against Women has overseen 21 grant awards totaling \$9.5 million.

To state it simply, the Violence Against Women Act is working. Since its enactment, domestic violence has dropped by almost 50%. Incidents of rape are down by 60%. The number of women killed by an abusive husband or boyfriend is down by 22%. More than half of all rape victims are stepping forward to report the crime. Over a million women have found justice in our courtrooms and obtained domestic violence protective orders. The signs of success abound.

But progress is not enough. Domestic violence and sexual assault persist; and this report will provide a snapshot of telling statistics. As more

and more brave women are stepping forward to report a rape or seek a restraining order against an abusive husband, more demands are placed on women's shelters, state prosecutors, courtroom victim advocates, and other resources. As we encourage victim reporting and swift responses by our criminal justice system, we must continue to create and support services for families in distress. We cannot let the Violence Against Women Act become a victim of its own success. Instead, we need to usher the Act into the 21st century and implement it with the next generation —recent police academy graduates who want to be trained on handling family violence, newly elected state legislators who want to update state laws on sexual assault, and the next generation of children who must be taught that abuse will not be tolerated.

At this writing, we've begun work on the next version of the Act, the Violence Against Women Act of 2005. As has always been the case with this legislation, it is a collaborative effort. We are listening closely to those on the front lines — police, trial judges, emergency room nurses and many others — and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. Frankly, there are still far too many women and their children vulnerable to the cowardly criminals who abuse women. To that end, this report will describe some of the new issues we need to address in the next iteration of the Violence Against Women Act. For instance, we need to heighten penalties for repeat domestic violence federal offenders and update the federal stalking statute to incorporate new technologies that can terrorize women. We must redouble our efforts to fight sexual assault. We have to look closely at the dire housing needs of women and their children escaping violent homes.

Doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. As first responders, they must be fully engaged in the effort to end the violence and have the tools they need to faithfully screen, treat and study family violence. We need to devote more attention to the millions of children each year who witness domestic violence and the growing number of teenagers caught in violent dating relationships. Treating children and enacting real preventative strategies for boys and girls mean that we can end the cycle of violence, hopefully even before it has begun.

This past spring, I was in my home state at an event honoring the winners of our high school poster contest. To enter this first-ever Teens Against Sexual Assault contest, any Delaware high school student could submit a poster that somehow visually depicted the message, “no means no.” The second-place winner joined me at the podium for her award. She was quite shy, but in front of a room of 200 people, she said that she had entered the poster contest to help other victims because she had been raped as a young teen. Next, I recognized the first-place winner. She too was shy, but agreed to say a few words whereby she also stunned the audience by declaring that she had been a rape victim and wanted to help other young women find the courage to “say no,” report their attack and seek help. As I stood listening to these courageous young women, I was reminded once again that they are the reason all of us continue to fight for the Violence Against Women Act. We can’t stop now.

The Violence Against Women Act created powerful scaffolding that is, and should be, supported by substantial federal dollars. Cities across the country, from Dover, Delaware to Salt Lake City, Utah, to Grants Pass, Oregon, have taken this scaffolding and built women’s shelters, dedicated domestic violence courts, community-wide task forces, 1- 800 hotline numbers, and thousands of others initiatives that have literally saved lives. The Violence Against Women Act helped forge new alliances between police officers and victim advocates. The Act has raised awareness and destroyed stereotypes in schoolrooms and on playgrounds. Most importantly, after ten years in action, the Violence Against Women Act has fostered a society where victims of domestic violence and sexual assault are treated with dignity and abusers are met with consequences. This Act is a thousand little pieces that make all the difference.

I am indebted to my colleagues in Congress who supported the Act in 1994 and in 2000, to the hard-working men and women in the federal government who oversee the Act’s programs, to the millions of communities that have turned the Act’s words on paper into real action, and to the victims who have taught us all a great deal. It has been an extraordinary ten years of progress.

Senator Joseph R. Biden, Jr.
September 7, 2004

I. WHERE WE’VE BEEN...

A. HISTORY OF THE VIOLENCE AGAINST WOMEN ACT

Before the Violence Against Women Act (“VAWA” or the “Act”) became law, domestic violence and sexual assault incidents were often marginalized and ignored by society and the criminal justice system as “private” family matters. After thousands of hours of Congressional hearings, countless legislation drafts and rewrites, and days of vigorous debate in both the United States Senate and the House of Representatives, the first federal law to comprehensively address domestic violence and sexual assault, the Violence Against Women Act, passed in 1994 as part of the Violent Crime Control and Law Enforcement Act (P.L. 103-332). The Violence Against Women Act was renewed in 2000 as part of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).

To get a full picture of the Act’s pathway from legislation to law, below is a timeline of critical events.

From Bill to Law — The Violence Against Women Act

August 6, 1989	FBI releases 1989 crime statistics showing that among all female murder victims over 30% were killed by husbands or boyfriends and over 92,000 rapes reported that year.
June 19, 1990	Senator Biden introduces the Violence Against Women Act in the 101st Congress (S. 2754).
June 20, 1990	Senate Judiciary Comm. Hearing: Women and Violence

August 29, 1990	Senate Judiciary Comm. Hearing: Vulnerability of Young Women to Rape
October 4, 1990	Violence Against Women Act reported favorably out of the Judiciary Comm. Report: The Violence Against Women Act of 1990
December 11, 1990	Senate Judiciary Comm. Hearing: Domestic Violence
January 14, 1991	Senator Biden re-introduces the Violence Against Women Act in the 102nd Congress (S. 15).
March 1991	Report: Violence Against Women: Increase of Rape in America, 1990
April 9, 1991	Senate Judiciary Comm. Hearing: Violence Against Women: Victims of the System (Civil Rights Remedy in VAWA)
July 18, 1991	Violence Against Women Act reported favorably out of the Judiciary Comm.
October 29, 1991	Report: The Violence Against Women Act of 1991
September 29, 1992	Senate Judiciary Comm. Hearing: Legislative Answers to Stalking
October 1992	Report: Violence Against Women: A Week in the Life of America

January 11, 1993*	Senator Biden re-introduces the Violence Against Women Act in the 103rd Congress (S. 11).
March 17, 1993	Senate Judiciary Comm. Hearing: Anti-Stalking Proposals
May 27, 1993	Violence Against Women Act reported favorably out of Judiciary Comm.
	Report: The Response to Rape: Detours on the Road to Equal Justice
September 1993	Report: The Violence Against Women Act of 1993
November 4, 1993	The Violence Against Women Act is incorporated into the Violent Crime Control and Law Enforcement Act of 1993.
July 1994	Crime Bill conferees meet and agree to include VAWA in conference report.
August 21, 1994	U.S. House of Representatives passes Biden Crime Law/ Violence Against Women Act.
August 25, 1994	U.S. Senate passes Biden Crime Law/ Violence Against Women Act.
September 13, 1994	PRESIDENT CLINTON SIGNS THE VIOLENCE AGAINST WOMEN ACT INTO LAW.

September 29, 1994	Senate Judiciary Comm. Hearing: Implementation of the Violence Against Women Act
	Report: Putting the Violence Against Women Act into Action
August 1995	Report: The Violence Against Women Act in Action
May 15, 1996	Senate Judiciary Comm. Hearing: Combating Violence Against Women
May 21, 1998	Senator Biden introduces Violence Against Women Act II - 105 th Congress (S. 2110).
January, 1999	Senator Biden introduces Violence Against Women Act II - 106 th Congress (S. 51).
January 11, 2000	U.S. Supreme Court hears oral arguments in civil right remedy case <i>Brzonkala v. Morrison</i> . Senator Biden submitted an <i>Amici Curiae</i> brief in support of upholding this provision.
May 15, 2000	U.S. Supreme Court rules civil rights remedy in Violence Against Women Act unconstitutional.
June 26, 2000	Senators Biden and Hatch introduce compromise Violence Against Women Act of 2000 (S. 2787).
October 6, 2000	House passes compromise Violence Against Women Act of 2000.
October 11, 2000	Senate passes compromise Violence Against Women Act of 2000

	unanimously - 75 cosponsors, 46 Democrats and 29 Republicans.
October 28, 2000	President Clinton signs Violence Against Women Act of 2000 into law.
March 20, 2001	Senator Biden introduces bill to create independent Office on Violence Against Women.
April 16, 2002	Senate Judiciary Comm. Hearing: Leading the Fight – The Violence Against Women Office
November 2, 2002	President Bush signs law creating independent Office on Violence Against Women.

* - in 1993, three additional field hearings (in South Portland, ME, Salt Lake City, UT, and Boston, ME) were held on violent crimes against women.

As shown by the timeline, over four years of congressional hearings on the issue of violence against women preceded the passage of VAWA. Congress heard testimony from experts on domestic violence and sexual assault, including state court judges, law enforcement officers, prosecutors, state attorneys general, law professors, physicians, social scientists, and victims of violence.

The experts testified on a wide variety of subjects, such as the significant economic impact of domestic violence on women, the inadequate responses by state criminal justice and health care systems, victims' own experiences of rape and other abuse, and the pervasiveness of violence against women in all sectors of society. The compilation of this testimony overwhelmingly demonstrated that violence against women was a national problem of epic proportion. As one expert testified, gender-based violence "permeates every aspect of women's lives. It alters where women live,

work, and study, as they try to be safe by staying within certain prescribed bounds.”¹

B. SUMMARY OF THE VIOLENCE AGAINST WOMEN ACT PROVISIONS

Addressing the many needs and filling in the vast gaps identified by the experts, the Violence Against Women Act created an innovative, multi-pronged, coordinated community response to domestic violence and sexual assault. Put simply, the Act encouraged police, judges, advocates and victim providers to sit at one table and then plan and implement tailored projects that were backed up by millions of federal dollars.

The Violence Against Women Act created new federal criminal laws addressing domestic violence and established discretionary grant programs within the Department of Justice and the Department of Health and Human Services for state, local, and Indian tribal governments and non-profit service organizations. The Violence Against Women Act of 2000 renewed these programs, made targeted improvements to certain provisions and introduced new initiatives.

The following section will recount the Act’s key criminal provisions, grant programs, protections for battered immigrant women and research mandates.

Key Criminal Law Provisions

Creating a network of federal criminal laws, the Violence Against Women Act included tough new criminal penalties:

- Created the first federal offense for interstate domestic violence and stalking that imposes up to 20 years for serious injury and life in prison if death results (and additional penalties are possible if a firearm was used during the offense);
- Established a federal offense for interstate violations of protection orders;

¹ *Violence Against Women: Victims of the System, before the Senate Committee on the Judiciary (S. HRG. 102-369)*, 102nd Cong. 253 (statement of Dr. Leslie R. Wolfe) (1991).

- Mandated that states and tribes fully enforce valid restraining orders issued by another state or tribe (similar to the law requiring states to enforce child custody orders handed down in other states);
- Doubled federal penalties for repeat sex offenders;
- Authorized pretrial detention of defendants in federal sex offense and interstate domestic violence cases and mandated restitution for victims; and
- Created a new rule of evidence that a victim's past sexual behavior was generally not admissible in federal civil or criminal cases regarding sexual assault.

Grant Programs

In addition to strengthening criminal laws, the Violence Against Women Act established far-reaching grant programs administered by the Office on Violence Against Women in the Department of Justice and various offices in the Department of Health and Human Services. In 2004 alone, Congress spent \$520 million for Violence Against Women programs. Over the past decade, nearly **\$3.8 billion** has been appropriated to make women's homes and communities safer. These monies are allocated to state, local and tribal governments and to private, non-profit organizations, such as state coalitions against domestic violence and sexual assault. Each program is described in greater detail below. (Unless otherwise noted, each program is set to expire in 2005 and must be reauthorized in the next iteration of the Violence Against Women Act.)

Department of Justice Grant Programs

○ STOP (Services/Training/Officers/Prosecutors) Violence Against Women Formula Grant

This cornerstone grant program is designed to encourage communities to develop a collaborative, multi-disciplinary approach to improve responses to violence against women. It is distributed to each state according to a basic formula: each state receives a base amount of \$600,000 with remaining funds distributed based on population. Each state must allocate 25% of the money to law enforcement, 25% to prosecutors, 30% to nonprofit victims'

services, 5% to state coalitions, 5% to Indian Tribal governments and 5% to court programs. *Authorized at \$185 million a year.*

○ **Rural Domestic Violence and Child Victimization Enforcement Grants**

Aimed at the unique needs of rural jurisdictions, this discretionary program helps communities create partnerships to respond to domestic violence, dating violence and child victimization. For purposes of this program, a rural state is one that has a population density of 52 or fewer persons per square mile or a state in which the largest county has fewer than 150,000 people (this includes states like Arkansas, Idaho, Maine, Montana, North Dakota, Vermont and Utah). *Authorized at \$40 million a year.*

○ **Legal Assistance for Victims of Domestic Violence, Sexual Assault and Stalking Grant Program**

As its name suggests, this program helps victims access qualified legal assistance and advocacy services for matters relating to the violence, such as obtaining protection orders and representation at child custody or divorce proceedings. *Authorized at \$40 million a year.*

○ **Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program**

This discretionary grant establishes and strengthens local programs that encourage police officers to arrest abusers and restraining order violators, and encourage courts and prosecutors to treat domestic violence as a serious crime. Offender accountability and victim safety are the touchstones of this particular program. *Authorized at \$65 million a year.*

○ **Grants to Reduce Violent Crimes Against Women on Campus**

Collaborating with local victim service agencies and criminal justice systems, institutions of higher education use this discretionary grant program to build coordinated responses to violence against women and to engage preventative strategies. To be eligible for the program, institutions must train campus police and judicial disciplinary boards and provide educational programs for in-coming students. *Authorized at \$10 million a year.*

o National Stalker and Domestic Violence Reduction Grants

This discretionary grant program assists states and local governments in improving their databases for stalking and domestic violence. To qualify, applicants must show that they contribute information on protection orders, domestic violence convictions and stalking offenses to the National Crime Information Center (NCIC). *Authorized at \$3 million a year.*

o Enhancing Protections for Older Women from Domestic Violence and Sexual Assault

A new training program for law enforcement, prosecution and court personnel, this program helps them respond to elder abuse, neglect and exploitation. *Authorized at \$5 million a year.*

o Safe Havens for Children Pilot Program

A limited program (it officially expired in 2002 but continues to receive federal funding), Safe Havens reduces the likelihood of violence by providing supervised visitation and exchange of children among parents in domestic violence, sexual assault or stalking cases. *Authorized at \$15 million a year.*

o Victims of Child Abuse Programs

There are three programs supported under this grant: (1) court appointed special advocates (known as “CASA programs”), a national program of volunteers who work in the court system with abused and neglected children; (2) child abuse training for court personnel; and (3) testimony of abused children by closed-circuit television in court. *Authorized at \$15.3 million a year.*

o Education and Training to End Violence Against Women with Disabilities

This program educates and provides technical assistance to providers on effective way to meet the needs of disabled women who are victims of sexual assault, domestic violence or stalking. *Authorized at \$7.5 million a year.*

- **Federal Victims Counselors**

This tailored program allocates funds to U.S. attorneys to appoint victims/witness counselors for prosecution of federal sexual assault and domestic violence cases. *Authorized at \$1 million per year.*

- **Equal Justice for Women in the Courts**

Under this program, the State Justice Institute and the Federal Judicial Center are authorized to make grants to provide model programs involving training of judges and court personnel in state and federal courts on rape, sexual assault, dating violence and domestic violence. *Authorized at \$2 million per year.*

Department of Health and Human Services Grant Programs

Consistent with the Violence Against Women Act's comprehensive approach, the Department of Health and Human Services distributes a second set of grant programs aimed at victim services. Details on each one follows. (Unless otherwise noted, these programs also expire in 2005 and will require reauthorization in the next iteration of the Violence Against Women Act.)

- **Shelters for Battered Women and Children**

This critical program helps communities create and sustain emergency shelters for battered women and their children. It is a formula grant program with allocations to each state based on population; no state is given less than 1% of the total grant amount or \$600,000, whichever is less. Ten percent is available for grants to Indian tribes. *Authorized at \$175 million per year.*

- **Rape Prevention and Education Program**

Part of Preventative Health Services Block Grant funding, this specialized program helps states address sexual assault by funding education and prevention initiatives such as seminars and rape crisis hotlines. This is a formula program available to each state with amounts dependent on population. At least 25% of the funds must be targeted to middle school, junior high and high school students. *Authorized at \$80 million per year.*

❑ **Community Initiatives to Prevent Domestic Violence**

Available to community-based, non-profit organizations, this program funds collaborative, grassroots projects that promote intervention and prevention strategies. *Authorized at \$6 million per year.*

❑ **National Domestic Violence Hotline**

This program funds a non-profit entity (currently the Texas Council on Family Violence) to operate a national, toll-free hotline that provides confidential information and assistance to victims.² Most recently, the program was renewed in the Child Abuse Prevention and Treatment Act that passed in 2003. *Authorized for \$3.5 million per year until 2008 (any federal spending over \$3 million must be devoted to development of a web site and shelter bed space network).*

❑ **Transitional Housing Program**

Created in 2000, this program provides grants to establish and support stable housing for women and children escaping violent homes and for whom emergency shelters are unavailable or insufficient. *Authorized at \$25 million for 2001 only.* Given the dire need for housing, in April 2003, Congress authorized a second transitional housing program, this time to be administered by the Department of Justice. *Authorized at \$30 million per year.*

Protections for Battered Immigrant Women

The Violence Against Women Act made sweeping changes to existing immigration laws that allow a battered immigrant woman to escape her abuser without jeopardizing her immigration status. Cultural and religious norms, economics, language barriers, and limited access to legal services and information make immigrant women particularly vulnerable to abuse.³ To prevent these women from reporting family violence, men may threaten to take their children out of the United States or refuse to file papers to

² The Hotline's toll-free number is 1-800-SAFE (7233); the number for assistance for deaf callers is 1-800- 787-3224.

³ Researchers found that domestic violence was the largest category of victimization reported by immigrant crime victims. Robert C. Davis and Edna Erez, *Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System*, Research Brief, Nat'l. Institute of Justice, U.S. Dept. of Justice (1998) at 5.

legalize their wives' immigration status. Immigrant women are then confronted with an insidious choice — stay with their abuser or depart the country, leaving their children behind with the abuser.

The Violence Against Women Act changed immigration laws so women whose ability to stay in the country was dependent on their husbands' immigration status would not have to make such a choice. It allowed abused immigrant women to self-petition on their own behalf to remain in this country.⁴ As of spring 2004, the government approved applications from more than 20,000 abused immigrant women since the Act passed in 1994.⁵

Research Areas

One truth revealed in the testimony preceding passage of the Violence Against Women Act, is that there is still much we don't know about domestic and sexual violence and the effectiveness of treatment, intervention, and remedies. Accordingly, the Act ensured that experts in the field were recruited to perform a variety of studies and assessments. The reports mandated by the Violence Against Women Act of 2000 and related legislation are listed below.⁶ (An asterisk indicates that the report has yet to be completed and/or released.)

Annual Report on Effectiveness of STOP Program (for years 2002, 2003 and 2004)*

Biennial Report on Effectiveness of all VAWA Programs (for 2002)*

Annual Report on Campus Programs (for 2003)*

Annual Stalking Report (2001 and 2002)*

*Report on Effects of Parental Kidnapping **

*Report on State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women **

*Report on Workplace Effects from Violence Against Women **

⁴ To self-petition, a victim must prove three essential elements: (1) good faith marriage to a U.S. citizen or a legal permanent resident; (2) good moral character; and (3) battery or extreme cruelty. Once the application is approved, the applicant may be granted work authorization and move towards becoming a legal permanent resident.

⁵ In March 2003, the Justice Department transferred to the Department of Homeland Security the responsibility of adjudicating battered women's self-petitions, and all other immigration matters.

⁶ The Violence Against Women Act of 1994 required issuance of the following additional reports: Confidentiality of Communications Study, Report on Confidentiality of Addresses for Victims of Domestic Violence, State Databases Study, Record-keeping Study, Research Agenda Study, and Report on Battered Women's Syndrome.

*Report on Standards, Practice and Training for Sexual Assault Forensic Examinations **
Biennial Safe Havens for Children Pilot Program Report (2003)*
*Annual Transitional Housing Program **

In addition to these mandated studies, over the past decade, the government has released a host of other studies and reports pertaining to violence against women that have been instructive to communities grappling with family violence. For example, the National Advisory Council on Violence Against Women (chaired by the Department of Justice and Department of Health and Human Services) released a Web-based resource of best practices called the “Toolkit to End Violence Against Women.”⁷

C. THE IMPACT OF THE VIOLENCE AGAINST WOMEN ACT

As multi-faceted as the Act itself, evidence of its astounding impact over the past ten years is a tapestry of statistics, state and local initiatives, civil and criminal prosecution protocols and conviction rates, victims’ voices and experiences, and thorough expert reports. One piece does not tell the entire story. But everywhere you look you will find the large and small ways that the Violence Against Women Act has drastically improved the lives of battered and abused women and their children.

This section will discuss the following signs of success: (1) recent statistics; (2) state initiatives funded by the Act; (3) the Act’s impact on legal remedies for victims, such as protection orders and dedicated domestic violence courts; (3) the federal Office on Violence Against Women; and (4) the Act’s influence on the private sector.

Statistical Snapshot — Signs of Progress

Sexual assault and domestic violence remain underreported crimes. While the Federal Bureau of Investigation releases yearly reports on nationwide crime data, it is widely recognized that these numbers do not account for thousands of acts of intimate violence. To fill that gap, the government also conducts victim surveys to document incidents that may not have been reported to the police. Taken together, the statistics show a steep decline in domestic violence and sexual assault incidents, and an

⁷ To access the toolkit on the Internet, go to <http://toolkit.ncjrs.org/>.

enormous increase in victim services since passage of the Violence Against Women Act.

Crime is Down, Reporting is Up

→ An almost 50% drop in domestic violence.

According to the most recent National Crime Victimization Survey, non-fatal, violent victimizations committed by intimate partners (including current or former spouses, girlfriends or boyfriends) declined by 49% for women between 1993 and 2001.⁸

→ More than 20% decline in the number of women killed by their partners.

The number of women murdered by an intimate partner was steady for two decades but declined by 22% from 1993 to 2001.⁹

→ Incidents of rape are down by 60% since 1992.¹⁰

Attempted rape is also down by 57%.

→ An increase in reporting of domestic violence incidents.

The percentage of women who reported the crime in 1998 (59%) was greater than the percentage in 1993 (48%).¹¹

The major accomplishment of the Violence Against Women Act is that it established the legal mechanisms to hold stalkers, batterers, and sexual offenders accountable for their criminal acts. Prior to the Violence Against Women Act, accountability within the legal system was not possible.

Bonnie Campbell
Former Director, Office on Violence
Against Women, U.S. Department of

→ A marked increase in reporting of rape and sexual assault.

More than half (53%) of rape victims are now stepping forward and reporting these heinous crimes to the authorities, while from 1993 to 1995 only 30.8% reported their attacks.¹²

⁸ Callie Marie Rennison, *Intimate Partner Violence, 1993-2001*, Crime Data Brief, Bureau of Justice Statistics, U.S. Dept. of Justice (February 2003).

⁹ *Id.*

¹⁰ *National Crime Victimization Survey 2002*, Bureau of Justice Statistics, U.S. Dept. of Justice, (August 2003) (hereinafter cited as “National Crime Victimization Survey 2002”).

¹¹ Rennison, *Intimate Partner Violence, Special Report*, Bureau of Justice Statistics, U.S. Dept. of Justice (May 2000). Notably, a recent study of immigrant women in Washington, DC found that more than one-fourth of them contacted the police for help with domestic violence at least once. See Leslye B. Orloff *et al.*, *Recent Developments. Battered Women’s Willingness to Call for Help and Police Responses*, 13 UCLA WOMEN’S L.J. 43, 79 (Winter 2003).

¹² National Crime Victimization Survey 2002.

More Prosecutions, Better Access to the Courts

→ A direct correlation between an increase in legal services for battered women and a decline in domestic abuse.

According to one study, the number of domestic violence legal advocacy programs and hotlines grew sharply from 1976 to 1996 in 48 of the largest U.S. cities, while the intimate partner homicide rate drooped 30 percent from roughly 1.3 to 0.9 victims per 100,000.¹³ Another study found that the provision of legal service for domestic violence victims had a significant negative effect on the likelihood that a woman was battered.¹⁴

→ Over 660 new state laws passed on domestic violence, sexual assault or stalking.¹⁵

→ Protection Orders Effective in Reducing Abuse.

Abused women who obtained protection orders were 80% less likely to be assaulted during the year after the abuse than women without such orders.¹⁶

→ Each month the National Hotline on Domestic Violence fields over 16,000 calls from across the country.

In August 2003, the Hotline received its one-millionth call since its inception in 1996.

→ The Act has dramatically improved community responses to domestic and sexual violence.

I scribbled the hotline number on a scrap of paper and pushed it down into the bottom of my purse. I carried that number back and forth to work for many weeks. I finally summoned the courage to call it after another harrowing evening with my husband. That torn and tattered paper, one phone number, only ten digits long, saved my life.

Domestic Violence Survivor, talking about the National Domestic Violence Hotline

¹³ Laura Dugan, Daniel S. Nagin, and Richard Rosenfeld, *Do Domestic Violence Services Save Lives?*, National Institute of Justice, U.S. Dep't. of Justice, Issue No. 250. pg. 21

¹⁴ According to the 1986 National Directory of Domestic Violence Programs, in 1986 there were 336 legal services programs serving victims of domestic violence. This number increased to 1,190 in 1994 and to 1,441 in 2000, and may be attributable to the Violence Against Women Act's legal service program. See Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, Contemporary Economic Policy, Vol. 21, No.2 (April 2003) at 158-172.

¹⁵ Brenda K. Uekert *et al.*, *2001 Report: Evaluation of the STOP Formula Grants to Combat Violence Against Women*, Urban Institute, September 2001.

¹⁶ Victoria Holt *et al.*, *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, Journal of American Medical Society, Vol.288 No.5 (August 7, 2002). An earlier study found that 85% of interviewed women reported that their lives improved after filing for a civil protection order, more than 90% reported feeling better about themselves and 80% felt safer. Susan Keilitz *et al.*, *Civil Protection Orders: Victims' Views on Effectiveness*, National Center for State Courts Research Report, National Center for State Courts, 1997.

One study found that between 1995 and 2000 those communities that identified inadequate responses to domestic violence dropped from 54 to 1 percent. In that same time frame, communities that identified inadequate responses to sexual assault dropped from 51 to 10 percent.¹⁷

→ **The Act's programs have helped communities reach out to new populations of abused women.**

One study found that with STOP funds, 72% of surveyed victim service organizations were able to bring help to more women, and 70% of surveyed victim service organizations were able to tap into entirely new victim populations.¹⁸

One of the greatest challenges juvenile and family court judges face each day is ensuring safety and justice when communities often lack the very resources families need. Not only has the Violence Against Women Act funded many of the services families experiencing domestic violence need, it has also provided education and other resources so that judges are better able to handle these difficult cases.

Sharon P. McCully
District Judge of the Third Juvenile Court, Salt Lake City
and President, National Council of Juvenile and Family Court Judges

→ **The Act not only saves lives, but also saves money.**

A 2002 university study found that money spent to reduce domestic violence saved nearly ten times the potential costs incurred between 1995 and 2000. During that time, the federal government spent \$1.6 billion for the Act's programs and avoided spending an estimated \$14.8 billion on medical, legal and other victimization costs that arise from domestic violence. On an individual level, the act costs roughly \$15.50 per women in the United States and saves an estimated \$159 each.¹⁹

The Act's Influence on States

Across the country, states and local communities have used the Violence Against Women Act's federal funding to create comprehensive and effective programs to prosecute crimes, treat victims and prevent sexual assault and domestic violence. It is truly inspiring to look at these innovations and see the extraordinary progress made by men and women working tirelessly to end the violence in their hometowns. Below is a small, but telling, sample of state projects funded by the Violence Against Women Act over the past decade.

¹⁷ Uekert, *supra* note 15.

¹⁸ *Id.*

¹⁹ Kathryn Anderson Clark *et al.*, *A Cost-Benefit Analysis of the Violence Against Women Act of 1994*, *Violence Against Women*, Vol 8, No. 4 (April 2002) at 417-428.

The East

In **Delaware**, from 1996 to 1999, every police officer in the state received basic domestic violence training. (In 1999, this training included court personnel, magistrates, air force base personnel and corrections officer.) Project Target, operating in two counties, provided services to over 600 women age 50 and over who are victims of domestic violence and sexual assault. La Esperanza, a Hispanic Community Center, collaborating with other domestic violence service agencies, offered specialized assistance to Latina victims of abuse, including translations, legal assistance and counseling.²⁰

In just one year, the paralegal positions focused on outreach to the Asian community in Philadelphia, **Pennsylvania** increased their services by 59% (from 44 cases in the first six months in 1999 to 70 cases alone in the first six months of 2000). A victim assistance center in York County funded two full-time positions, one of whom (a bilingual legal advocate) accompanied victims of rape and sexual assault throughout the criminal justice proceedings.²¹

The West

Since 1997, at least seven new rape crisis centers have been established in underserved rural communities in **Utah**. Prior to the Violence Against Women Act only four rape crisis centers existed in all of Utah. In Salt Lake City, CHOICES for Women of Color, a Violence Against Women funded program, helped the community respond to domestic violence and sexual assault with new cultural sensitivity.

The Violence Against Women Act has had a profound affect on the way our systems respond to the problem of violence against women. This legislation has also given unprecedented attention to the needs of underserved populations and those victims living in rural communities. It is hard to imagine where we would be if Congress had not passed VAWA 10 years ago but it is my firm belief that lives have been saved as a result of this landmark legislation.

Carol Post
Executive Director, Delaware Coalition Against Domestic Violence

The Los Angeles County District Attorney's Office, Los Angeles Commission on Assaults Against Women, a victim services provider and five college campuses launched "Love Me Not," a proactive, informative,

²⁰ Anita St. Onge *et al.*, *The Snapshot Project - State Profiles: Communities Respond to Violence Against Women*, Edmund S. Muskie School of Public Service, Institute for Child & Family Policy, University of Maine, 2001.

²¹ *Id.*

anti-stalking campaign aimed at college students. Through the Organization en California Lideres Campesinas' program, **California** farm-workers were trained on the causes of domestic violence and possible remedies.²² The San Francisco District Attorney's Office recruited and trained area hairdressers on signs of domestic abuse so that they could offer assistance to their clients.

The North

An innovative program in Orange County, **Vermont** called "Have Justice/Will Travel" served rural victims of domestic violence with in-home consultations, transportation and free legal services for low-income battered women and their children.²³

Family violence disputes are among the most dangerous cases police officers respond to. Senator Biden has provided law enforcement across the country with the funding we need to train our officers to answer these tough calls. These cases are not like any others, and only with the proper training and equipment can law enforcement serve victims the way they should be treated. I am proud that the New Castle County Police Department formed a separate, specially-trained domestic violence unit nine years ago with funding from the Violence Against Women Act. It grows stronger every year.

Chief David F. McAllister
New Castle County, Delaware Police Chief

In two Detroit, **Michigan** police precincts there was a 131% increase in personal protections orders issued from 1995 to 1999. Michigan's Violence Against Women Training Project for Prosecutors has trained more than 5,000 police, prosecutors, judges, court personnel and service providers about domestic violence and sexual assault with a program 100% funded by the Act.²⁴

The **Wisconsin** Coalition Against Sexual Assault utilized Violence Against Women Act funding to train over 150 nurses statewide on sexual assault forensic examinations, and provided domestic violence training to advocates who work with mentally and physically disabled victims through an initiative called "Widening the Circle." The Women's Community Inc. in Wausau specialized in outreach to the Hmong community with one victim advocate dedicated solely to servicing this population.²⁵

The South

One VAWA-sponsored project in **Florida** trained Meals on Wheels' (an in-home food service for the elderly) volunteers on domestic violence so

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

that they could look for signs of abuse among the state's seniors. The Largo Police Department developed technology-based evidence collection practices for domestic violence cases, including videotaping, digital photography and Internet communication.²⁶

The **Mississippi** Band of Choctaw Indians formed a Family Violence and Victim's Services Program that worked with the tribal council to pass a criminal domestic violence code. In Jackson City, waiting times in hospitals for sexual assault victims decreased by over 50% since Sexual Assault Nurse Examiner training was implemented in 1999. Court advocates working with the state's oldest and largest domestic violence shelter, Gulf Coast Women's Center for Non-Violence, have drastically increased courtroom assistance to victims — up from 425 in 1996-1997 to 4,775 as of September, 2000.²⁷

I am a survivor of domestic violence who fled 4 states so that I may secure my, and my 4 year-old son's, safety in 1990. I later was able to return to North Carolina and have been the Executive Director of a Rural Domestic Violence Program since 1995. Because of VAWA victims no longer have to fight this battle alone, nor do they have to flee to other states and go into hiding losing all support systems known to them. I was one of the lucky ones who lived to tell her story and continue the fight for those who live in fear.
Pamela Gonzalez
U Care, Inc., Clinton, NC

In one year alone, over 1,000 law enforcement officers, attorneys, advocates, judges and private attorneys were trained on full faith and credit of protective orders in **Kentucky**. As part of a larger project to develop domestic violence resource centers statewide, Kentucky had four portable Domestic Violence Resource Stations that were exhibited in 16 sites throughout the state.²⁸

The Act's Impact on Legal Remedies for Victims

Protection Orders

As highlighted earlier, the Violence Against Women Act requires every state and Tribe to enforce valid protection orders (sometimes called "restraining orders" or "no-contact orders") issued by another state or Tribe as if it were its own order. This provision was modeled on existing federal law requiring states to enforce child custody orders issued by another state.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

Requiring “full faith and credit” for protection orders is critical to the safety of women who are fleeing their abusers across state lines.

Furthermore, the Act has helped local jurisdictions fine-tune state procedures for obtaining an order. These civil and criminal orders, whether enforced in state or out of state, provide victims with a necessary level of court and police protection and place the batter under the jurisdiction of the court. Without a doubt, a protection order is an “integral weapon against domestic violence.”²⁹

Over the past decade, courts, prosecutors and law enforcement have come to issue and enforce protection orders with greater clarity and speed. Judges are tailoring protective orders to reflect the complexities of domestic violence and women’s lives with provisions about child visitation or co-mingled finances. State legislatures are passing laws that increase the effectiveness of orders and improve victim safety. For instance, in California an employer whose employee has been abused may seek a protective order on the employee’s behalf.³⁰ In Hawaii, violators of a protective order must spend at least 48 hours in jail for a first violation and 30 days for any subsequent violations.³¹

Beginning in May 1997, states began submitting protection order records to the National Crime Information Center (NCIC), a nationwide computer database for criminal justice records maintained by the Federal Bureau of Investigation.³²

Making a statement on this piece of legislation comes very easy to me. Looking back and seeing the efforts made toward my case made me realize that a lot of the actions taken were because of this act. Had the events in my life gone unresolved, I would not be the strong, confident person that I am today. The detective assigned to my case was the reason for a conviction. His specialized training on sexual assault was vital in making a strong foundation to take to court. His expertise and support gave me the ammunition to be a strong fighter to win, not only in court but in life. VAWA made his training possible.

Sexual Assault Survivor, reflecting on the Violence Against Women Act.

States generally have terminal control officers at their police barracks who access the NCIC at the local level. To date, 47 states (plus Washington,

²⁹ Richard A. DuBose, *Comment: Katsenelenbogen v. Katsenelbogen: Through the Eyes of the Victim — Maryland’s Civil Order and the Role of the Court*, 32 U.BALT. L.REV. 237 (Spring 2003).

³⁰ *Enforcement of Protective Orders*, OVC Bulletin #4, Office for Victims of Crime, Office of Justice Programs, U.S. Dept. of Justice (January 2002).

³¹ *Id.*

³² In addition to the national database, some states maintain their own central registries of all statewide domestic violence protection orders.

DC) submit protective order records to NCIC (totaling over 3,775,000 entries). With interconnected courtrooms and police precincts, protective orders provide battered women safety that does not end at the state line.

Improving access to protective orders was a major goal of the Violence Against Women Act, and one that has been met with much success. The National Violence Against Women Survey estimated that almost 1.2 million victims of intimate partner rape, physical assault and stalking obtained protective orders annually.³³ In Delaware, according to the most recent statistics available, about 2,860 victims filed for protection orders in 2002 alone. A recent study found that abused women who obtained protection orders were 80% less likely to be assaulted during the year after the abuse than women without such orders.³⁴

Consequences for Batterers

Proclaiming that domestic violence is a crime, not a family matter, is a hollow promise if there is no batterer accountability. The Violence Against Women Act propelled police and prosecutors to treat batterers like criminals, rather than counseling them simply to ‘walk around the block to cool off.’ States responded by promulgating a repertoire of new protocols and policies, one of which is a pro-arrest policy, and in some jurisdictions, a mandatory arrest policy.

The contrast is stark as to what our domestic violence response system would like if it weren't for the more than \$10 million in federal funds we have received thanks to Senator Biden and his Violence Against Women Act. Thank to his leadership and guidance, we have three battered women shelters, one specifically serving Hispanic women and children. We have specially trained police officers, entire domestic violence police units, and specialized equipment to collect the evidence need to stand up in court for conviction of abusers. Above all that, we are finally talking out loud about the horrible crimes of violence against women and children.

The Honorable Patricia M. Blevins, co-chair Delaware Violence Against Women Coordinating Council

³³ Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey*, Nat'l Institute of Justice and Centers for Disease Control and Prevention (July 2000) at 53-54.

³⁴ Victoria Holt *et al.*, *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, Journal of American Medical Society, Vol. 288, No.5 (August 7,2002). An earlier study found that 85% of interviewed women reported that their lives improved after filing for a civil protection order, more than 90% reported feeling better about themselves and 80% felt safer. See Susan Keilitz *et al.*, *Civil Protection Orders: Victims' Views on Effectiveness*, National Center for State Courts Research Report, National Center for State Courts (1997).

These arrest policies have ensured that a greater number of cases are coming into the criminal system and getting the attention of the state prosecutor's office.³⁵ While mandatory arrest protocols have been met with some unintended adverse consequences, some argue that these policies have empowered victims, showing them that the state is behind them.³⁶ Stopping the violence is no longer the plight of the victim, but the job of the state. Pro-arrest strategies improve a battered woman's safety. A recent study found that the arrest of the suspect and any subsequent confinement significantly reduced the expected subsequent aggression by 30%.³⁷

Working in tandem with pro-arrest policies, states across the country have used the Violence Against Women Act funding to devise and implement "no-drop" prosecution policies which prevent the prosecution from dismissing a case at the victim's request. Here again, the aim is to take the onus away from the victim and place the batter face-to-face with the state, not his wife. In instances when the victim can't, or is unwilling to testify, police and prosecutors have adopted evidence-based strategies that include gathering physical evidence, photos of the injury, testimony of attending medical personnel, and police crime reports.³⁸

With all of this evidence, the victim becomes less essential, and the prosecutor can proceed without her. These revolutionary techniques and new attitudes among law enforcement and state lawyers have worked to increase victim safety.³⁹ Studies have found that fewer cases have been dismissed and more batterers convicted in jurisdictions adopting no-drop policies.⁴⁰

Because of VAWA, hundreds of police officers have been trained in the dynamics that keep these women trapped in violence relationships, and now play leadership roles in their communities. Because of VAWA, legal assistance is available for women facing the devastating fear of losing their children to perpetrators. Because of VAWA, more women reach out for help, seek shelter, obtain protective orders and are treated with dignity and respect by law enforcement.

Lynn Rosenthal
Executive Director, National Network to End
Domestic Violence

³⁵ Leigh Goodmark, *The Legal Responses to Domestic Violence: Problems and Possibilities: Law is the Answer?*, 23 ST. LOUIS U. PUB. L. R. 7, 16 (2004).

³⁶ *Id.*, at 31-32.

³⁷ Christopher D. Maxwell, et al., *The Effects of Arrest on Intimate Partner Violence: New Evidence from the Spouse Assault Replication Program*, Research in Brief, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (July 2001).

³⁸ Goodmark *supra* note 35 at 17-18.

³⁹ Significantly, in a recent survey of prosecutors by the American Prosecutors Research Institute, 88% wanted more training on evidence-based prosecutions.

⁴⁰ Goodmark, *supra* note 35 at 17-18.

Innovative Domestic Violence Courts

The Violence Against Women Act paved the way for local communities to use federal funding to develop specific court proceedings to better handle domestic violence cases.⁴¹ Consequently, over 300 courts have some specialized structures, processes or practices to address the distinct nature of domestic violence cases, collectively called domestic violence courts, although these systems vary widely.⁴²

In traditional domestic violence cases, multiple judges and various attorneys often handled different aspects of the case, information was spotty and disjointed, monitoring of perpetrators was inconsistent and the victims were not linked to any assistance. Dedicated domestic court systems remove many of these pitfalls.

Because all domestic violence cases are dealt with by the same group of judges and lawyers, these individuals gain expertise, become familiar with repeat offenders and are able to process the cases quickly and with more consistency. Experienced lawyers and judges are able to quickly put victims in touch with needed services.

Since the passage of VAWA in 1994, our country has made a cultural shift in its approach to violence against women. Given the statistics of violence against Native women, we know there is a long and complex journey to establish a more secure and permanent safety net for them. In a relatively short period, ten years, the resources created through VAWA have provided the opportunity to develop tribally specific responses to violence against Native women, and establish a network of Native advocates, judges, prosecutors, law enforcement, batterers' reeducation facilitators, and children's advocates. My children grew up in a world where those protections didn't exist. In the next ten years, we have the capacity to dramatically alter our country's attitudes and beliefs from "why does she stay?" mentality to "safety for one is safety for all!"

Eileen Hudon, White Earth Ojibwe
Clan Star, Inc.

⁴¹ Two grant programs, the Grants to Encourage Arrests Policies and Enforce Protection Orders Program and the STOP Violence Against Women Formula Grant Program may be used by states for domestic violence courts. The Violence Against Women Act of 2000 amended the STOP Program to mandate that States use 5% of their money on court-related projects, such as judicial training, victim advocates and the development of specialized domestic violence courts.

⁴² See generally, Julie A. Helling, *Specialized Criminal Domestic Violence Courts* (no publication date) <http://www.vaw.umn.edu/documents/helling/helling.pdf> (last visited Aug. 30, 2004).

Federal Law Enforcement Efforts

While the vast majority of domestic violence and sexual assault investigations and prosecutions are handled at the state and local level, federal law enforcement pursue interstate violations, cases arising on federal lands and impermissible possessions of a firearm after a domestic violence conviction or issuance of a valid protection order.⁴³ Since passage of the Violence Against Women Act of 2000, federal authorities have filed more than 1,000 cases alleging domestic violence or sexual assault violations.

Office on Violence Against Women

Leading the charge is the Office on Violence Against Women (the “Office” or “OVW”) in the Department of Justice, disbursing billions of dollars to states, localities, tribal governments and private organizations, and coordinating the Department’s legal and policy positions regarding violence against women - everything from enforcing protection orders across state lines to issuing annual reports on stalking. The Office also collaborates with other federal agencies, such as the Department of Housing and Urban Development and the Department of Health and Human Services about federal policies, programs, statutes, and regulations that impact violence against women.

The Office first came into existence in March 1995, when President Clinton appointed former Iowa Attorney General Bonnie Campbell as the Director. The current director, Diane Stuart, former State Coordinator for the Utah Domestic Violence Cabinet Council, assumed her position in 2001 and was confirmed by the U.S. Senate in 2003.

Until 2002, the Office on Violence Against Women was under the umbrella of the Office of Justice Programs, the grant-making authority in the Department of Justice. Concerned that the Office was becoming buried in bureaucracy and losing its

The interpersonal dynamics of domestic violence and the complexity of these crimes demand that local prosecutors develop innovative techniques for investigating and prosecuting these crimes; adopt creative and efficacious punishments for abusers; and provide comprehensive services to victims. The Violence Against Women Act has provided essential funding to prosecutors’ offices, law enforcement, and victim advocates with these demands.

Paul F. Walsh, Jr.
District Attorney, Bristol County, Massachusetts
President, National District Attorneys Association

⁴³ The relevant federal statutes are: 18 U.S.C. § 2241 (aggravated sexual abuse), 18 U.S.C. § 2242 (sexual abuse), 18 U.S.C. § 2244 (abusive sexual contact), 18 U.S.C. § 922(g)(8) (firearm with a protection order), 18 U.S.C. § 922(g)(9) (firearm after domestic violence conviction), 18 U.S.C. § 2261 (interstate domestic violence and stalking), and 18 U.S.C. § 2262 (interstate violation of protection order).

national stature, Senator Biden introduced a bill in March, 2001, seeking an independent and separate office. As a separate entity, the Office's leadership and agenda cannot be marginalized or pushed to a back office. A separate office means that violence against women issues stay at the forefront and that its Director — appointed by the President, confirmed by the Senate and reporting directly to the Attorney General — will have an office with the stature and status to use it as the “bully pulpit” on domestic violence and sexual assault issues as intended by the Violence Against Women Act.

In October, 2002, Congress passed the 21st Century Department of Justice Appropriations Authorization Act and President Bush signed the measure into law on November 2, 2002 (PL 107- 273). The fight for the independent office was not easy, and ensuring compliance after the law passed was protracted. But it was a worthwhile effort. It is vitally important that the Violence Against Women Act have an empowered steward — an independent office headed by a director with direct access to the Attorney General.

The Act's Impact on the Private Sector

Another success of the Violence Against Women Act is that employers, both large and small, have become key players in the fight to end the violence. Several companies, including Bank One, the Body Shop, American Express and Liz Claiborne, have taken leading roles in developing policies to help their employees who are victims of domestic violence, like special parking spaces, escorts to public transportation and flexible hours.⁴⁴ Dozens of companies work with the Corporate Alliance to End Partner Violence (CAEPV), a national organization working to help employers respond to violence in the workplace with information exchange and project collaboration.⁴⁵

It is estimated that companies pay an estimated \$3 billion to \$5 billion annually in medical expenses associated with domestic violence, and forfeit over \$100 million a year in lost wages, absenteeism, and reduced productivity; victims lose nearly 8 million workdays annually – the

⁴⁴ Kathie Klarreich, “Targeting Domestic Violence – At Work,” The Christian Science Monitor (Oct. 24, 2003).

⁴⁵ *Id.*

equivalent of 32,000 full-time jobs.⁴⁶ Clearly, addressing family violence head on is not only the right thing to do, but also the smart business move.

In addition to workplace changes, the private sector has provided key resources to battered women and their children. Cellular telephone companies, most prominently, Verizon Wireless, have provided free cellular phones to victims of domestic violence, preprogrammed to reach police. Another project is Senator Biden's National Domestic Violence Connections Campaign, a multi-year, multi-million dollar public/private partnership that teams up private telecommunication and tech companies with the federal government to improve the Hotline's technology so it can answer every call. Under the Connections Campaign, the same companies that supply Americans with home computers, cell phones, and telephone service – Microsoft, Dell, IBM, AOL, BellSouth and others - are donating hardware and software to the National Domestic Violence Hotline.

II. WHERE WE ARE GOING...

The Violence Against Women Act has helped make tremendous strides towards breaking the cycle of violence that has a crippling effect on families. But there remains work to be done. Some efforts must focus on persistent challenges, like reaching immigrant communities or improving state databases on protective orders. At the same time, new innovations must not disrupt the Act's core programs in full-swing at the local level.

The legacy of the Violence Against Women Act must not fade as resolute police chiefs retire, state task forces reorganize or committed district attorneys are replaced by newly elected leaders. We must ensure that the messages, protocols, policies, and dialogues fostered by the Violence Against Women Act become institutionalized across the country. The Act must also remain fresh and imaginative with new initiatives that look at the next set of needs.

⁴⁶ *Id.*

A. STATISTICAL SNAPSHOT — WORK REMAINS TO BE DONE

Several key statistics reaffirms the need to continue supporting, strengthening and fully funding the Violence Against Women Act.

Women Remain At Risk

▶ On average, more than three women are murdered by their husbands or boyfriends in this country every day.⁴⁷

▶ Nearly one in every three women experiences at least one physical assault by a partner during adulthood.⁴⁸

▶ Every two minutes, someone in America is sexually assaulted.⁴⁹

▶ The National Violence Against Women Survey reports that nearly 25% of women (1 out of 4) surveyed had been raped or physical assaulted by an intimate partner at some point in their lives.⁵⁰

▶ The National Violence Against Women Survey Report found that among those women who reported injury in addition to the rape or physical assault by an intimate partner, only 1/3 sought medical care.⁵¹

▶ The survey report also found that 17% of women suffering from physical assault by their intimate partners obtained a protective order, and only 36% of women stalked by an intimate partner sought a protective order.⁵²

▶ In a recent poll, reducing domestic violence and physical assault is the top concern of women. Nine in ten women said

We must have a Violence Against Women Act that is expansive and aggressive. We have come way too far to step backward now. There must be more money for the prevention of child sexual abuse, and prevention programs and services for the victims of sexual assault. You have to get involved, be active, use your voice for outrage, for action and for change.

Delilah Rumberg
Executive Director, Pennsylvania Coalition
Against Rape

⁴⁷ *Intimate Partner Violence and Age of Victim 1992-1999*, Bureau of Statistics Special Report, U.S. Dept. of Justice (October 2001).

⁴⁸ *Id.*

⁴⁹ Sexual assault is a broad category used by the Department of Justice to classify rape, attempted rape and other sexual assault that falls short of rape. This estimate is derived from data aggregated in Rennison, *supra* at 8.

⁵⁰ Tjaden and Thoennes *supra* note 33.

⁵¹ *Id.*

⁵² *Id.*

that that addressing domestic violence is their top priority.⁵³

- ▶ One out of every 12 women have been stalked in their lifetime.⁵⁴
- ▶ Nearly 1/3 of African-American women experience intimate partner violence in their lifetimes compared to 1/4 of white women.⁵⁵

Teenagers and Young Adults Need More Support

- ▶ One in 5 adolescent girls in America becomes a victim of physical or sexual abuse, or both, in a dating relationship.⁵⁶
- ▶ 40% of girls age 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend.⁵⁷
- ▶ A 1998 R.I. follow-up study to an identical 1988 survey of children in grades 6 through 9, found that 53% of the boys and 48% of the girls responded “yes” to the question whether a boy on a date has the right to a kiss without the date’s consent if he spent a lot of money on the date. (In 1988, 51% of boys and 41% of girls answered in the affirmative).⁵⁸
- ▶ In this same study, a shocking 23% of the boys and 20% of the girls responded “yes” to the question whether a boy on a date has the right to sexual intercourse without the date’s consent if he spent a lot of money on the date. (In 1988, 24% of boys and 16% of girls answered in the affirmative).⁵⁹

The Violence Against Women Act was a huge accomplishment for the nation and a triumph for those of us who work to stop violence and keep women and children safe. It was the moment when our federal government finally acknowledged that domestic and sexual violence harm every part of our society, and put real resources into helping victims. Countless women and children are better off as a result. We need to change attitudes by teaching boys that violence is always wrong. Its time to expand the Violence Against Women Act to fund the prevention programs that can stop violence before it ever begins.

Esta Soler
President, Family Violence Prevention Fund

⁵³ Princeton Survey Research Associates, *Progress and Perils: How Gender Issues Unite and Divide Women Part One* (October 2001) at 8.

⁵⁴ Stalking and Domestic Violence, Report to Congress, Violence Against Women Office, May 2001.

⁵⁵ Tjaden and Thoennes *supra* note 33.

⁵⁶ Silverman, Jay G. et al., *Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy and Suicidality*, Journal of the American Medical Association, Vol. 286, No. 5 (August 2001).

⁵⁷ *Id.*

⁵⁸ Sexual Assault and Trauma Resource Center of Rhode Island Survey.

⁵⁹ Sexual Assault and Trauma Resource Center of Rhode Island Survey.

► A college survey found that just 5% of all attempted or completed rapes were reported to law enforcement.⁶⁰

► The Department of Justice consistently finds that girls and young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.⁶¹

Children Who Witness Domestic Violence Are At Risk

► Between 3.3 and 10 million American children annually witness assaults by one parent against another.⁶² Witnessing violence is a risk factor for long-term physical and mental health problems (including substance abuse), being a victim of abuse and becoming a perpetrator of abuse.⁶³

► Boys who witness their father's domestic violence are 10 times more likely to engage in domestic violence than boys from non-violent homes.⁶⁴

Take VAWA away and many campuses will go back to whispering, the way my mother did, about rape. So many university presidents wrongly believe that to talk about this out loud is bad PR, but VAWA funding teaches them that talking about this out loud makes a statement that we value women and we value our students.

Ruth Ann Koenick, Director of Sexual Assault Services & Crime Victim Assistance
Rutgers, the State University of New Jersey

Domestic and Sexual Violence's Societal Costs

► The cost of intimate partner violence, including rape, physical assault and stalking exceeds \$5.8 billion each year, of which \$4.1 billion is spent on direct medical and mental health care services.⁶⁵

⁶⁰ Bonnie S. Fisher, Francis T. Cullen, & Michael O. Toner. *The Sexual Victimization of College Women*. Bureau of Justice Statistics, U.S. Dept. of Justice (2000).

⁶¹ *Intimate Partner Violence and Age of Victim, 1993-1999*, Bureau of Justice Statistics, U.S. Dept. of Justice (October 2001).

⁶² Susan Schechter and John L. Edleson, *Domestic Violence and Children: Creating a Public Response*, Center on Crime, Communities & Culture for the Open Society Institute (2000).

⁶³ Anda R. Felitti *et al.*, *Relationship of Childhood Abuse and Household Dysfunction to many of the Leading Causes of Death in Adults*, *American Journal of Preventative Medicine* 14(4): 245-58 (1998).

⁶⁴ *Family Violence: Interventions for the Justice System*, Bureau of Justice Ass't., U.S. Dept. of Justice (1993).

⁶⁵ Also included in the figure are \$0.9 billion in lost productivity (paid work and household chores) and \$0.9 billion in lifetime earnings lost by victims of IPV homicide. *Costs of Intimate Partner Violence Against Women in the United States, 2003*. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control (2003) at 2.

B. 21ST CENTURY CHALLENGES FOR THE VIOLENCE AGAINST WOMEN ACT

As noted in the introduction, drafting of the Violence Against Women Act of 2005 has begun. The National District Attorneys Association, the National Sheriffs Association, the National Network to End Domestic Violence, the Family Violence Prevention Fund, the National Council on Juvenile and Family Court Judges, state coalitions, the National Association of Attorneys General and many others, are contributing new ideas to remedy old and new stumbling blocks. Some of these challenges and possible remedies are described below.

Enhancing Criminal Accountability

While the Violence Against Women Act of 2000 updated the criminal stalking statute to take into account illegal use of electronic communications, including e-mail and the Internet, at that time, the Act did not anticipate stalking facilitated by other forms of technology like Global Positioning Systems (GPS). Accordingly, the law should be broadened to penalize stalking conducted by new technology. Another possible change to increase offender accountability is enhancing penalties for repeat federal offenders.

Recently, there is renewed interest in offender re-entry programs for state and federal systems. Domestic violence experts advise that re-entry programs should develop procedures and resources to help prisoners with a history of family violence reconnect with their families in an appropriate manner. Finally, much headway has been made to educate the public about the horror of drug-facilitated sexual assault. These cases present particular challenges for police investigators and forensic scientists, and we must ensure that training and other resources are available for them.

More Safeguards for Battered Women

Protection is a wide circle around a battered woman, not a single answer. The Violence Against Women Act upholds that ideal. We need to continue to strengthen that circle by improving the immigration laws for battered immigrant woman. Some proposals pertain to simple technical corrections to the existing procedures, and others would ease access to work

authorization and available services for abused immigrant women, including those trafficked into the United States.

Abused women and children often interact with the health care community, sometimes more frequently than with law enforcement. It is critical, therefore, that health care providers and students in health professional schools are trained to screen for and respond appropriately to signs of family violence.

One of the best ways a battered woman can stay away from her abuser is to achieve some economic independence. And yet, domestic violence and sexual abuse can put a woman's job at risk. According to a 1998 U.S. General Accounting Office, 25% to 50% of abused women reported they lost a job due, in part, to domestic violence. Proposals to provide women with more stability include: allowing employee benefit leave to address the violence, maintaining health insurance, making unemployment compensation available if violence caused the work separation, and explicitly barring employment discrimination based on domestic violence.

Tragically, while defending our country, either here or abroad, women in the military experience domestic violence and sexual assault. The terrible domestic violence homicides at Fort Bragg in 2002, and the allegations of sexual abuse in the Air Force Academy and in units serving in Iraq and Afghanistan have raised awareness about violence against women in the military. Yet military women are often fearful of reporting incidents due to the lack of confidentiality, privacy and limited victim services.⁶⁶ Federal task forces have been convened to examine these issues and some recommendations released, but implementation is far from complete. The plight of abused military families is not only the responsibility of the Department of Defense, but the entire government's. We need an integrated response to this problem that enlists the resources and expertise of other entities like the Office on Violence Against Women and state coalitions.

More Prevention for Children

We can treat the victims and penalize the perpetrators, but we also need to end the cycle, and that means reaching the kids. Preventative

⁶⁶ Christine Hanson, *A Considerable Service: An Advocates Introduction to Domestic Violence and the Military*, Domestic Violence Report (2001).

programs should be instituted in every school. Reports indicate that from three to ten million children are experiencing domestic violence in their homes each year. Studies show that as a result of that exposure, a child may be subject to a parade of horrors — long-term health problems, drug abuse, juvenile crime and adult incarceration.

Across the country, there are a few programs that provide services for kids who witness or are victims of domestic violence — programs that provide safe places with mental health treatment and conduct home visitation services to help fragile families. We would do well to take a close look at these strategies and work to replicate them.

Housing for Families in Crisis

The Violence Against Women Act has championed the needs of housing for battered women, from designing the first grant programs for shelters in 1994, to creating the transitional housing program in 2000. But policy-makers, law enforcement and advocates in the field all agree that there is simply not enough emergency and transitional housing available for women and their children fleeing violent households.

Women face the untenable choice of returning to their abuser or becoming homeless. And indeed, 44% of the nation's mayors identified domestic violence as a primary cause of homelessness.⁶⁷ With limited beds and restricted lengths of stay, emergency shelters are often full.⁶⁸ We need to establish more options for long-term housing for victims, and enhance the collaboration between domestic violence service providers, homeless service providers, and housing authorities.

Furthermore, there are disturbing reports that battered women are experiencing insidious housing discrimination solely because they are victims of intimate violence. Women furnishing their protective orders to their landlords or calling the police to report battering are receiving notices

⁶⁷ *A Status Report on Hunger and Homelessness in American's Cities: A 25- City Survey*, U.S. Conference of Mayors (December 2003).

⁶⁸ For instance, advocates report that in San Francisco, 80% of the women and children were turned away because shelters are full. Responding to an advocate survey, the Missouri State Coalition Against Domestic Violence reported that in 2000, more than 4,500 individuals were turned away from shelters. Shelters in Arizona turned away almost 19,000 women and children in 2002. A survey conducted by the National Coalition Against Domestic Violence estimated that there about 2,000 shelters in the country that were unable to take in approximately 300,000 children and women in 2000.

of eviction a few days later based on the domestic violence. The American Bar Association has taken a stand against this conduct, and it warrants serious review by federal and state lawmakers.